

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

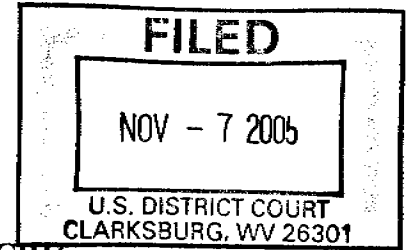
Plaintiff,

v.

NATHANIEL J. KING,

Defendant.

Criminal No. 2:04CRI6
(Keeley)



PLEA AGREEMENT

SECTION 1. Introduction

- A. This is a binding plea pursuant to F.R.Cr.P. Rule 11(c)(1)(C) in which the parties agree that a specific sentence as to imprisonment is the appropriate disposition of the case.

SECTION 2. The Plea

- A. The defendant will plead guilty to:

Count

Charge

1. One Interstate Domestic Violence Resulting in Death in violation of 18 U.S.C. §2261(a)(1) and (b)(1)

- B. The penalty of imprisonment which will be imposed as a result of this plea is:

1. Imprisonment for a period of 135 months.

- C. In addition, the defendant understands the Court will impose a special assessment of \$100.00 for this felony conviction. The defendant agrees to provide to the United States Attorney's Office at the time of sentencing a certified check or money order in the amount of \$100.00 for the Special Assessment. The certified check or money order will be made payable to the "United States District Court."

- D. The Court may also order the defendant to pay restitution and any costs of imprisonment and supervised release. The defendant agrees that on Sheet 5, Part B of the Judgment and Commitment Order, the court shall check box "B" indicating that the payment of the total criminal monetary penalties shall be due with payment to begin immediately.
- E. In addition, the defendant understands the Court may impose a fine up to \$250,000.00 and a term of three years to five years of supervised release.

SECTION 3. Agreements About Other Offenses

- A. The United States is authorized to represent that the Prosecuting Attorney of Preston County is agreeable to this disposition, and the United States is authorized to represent that the State of West Virginia will not prosecute the defendant for any conduct arising out of or related to the events of August 16, 2001, involving this defendant.

SECTION 4. Binding Sentencing Pursuant to F.R.Cr.P. Rule 11(c)(1)(C)

- A. Pursuant to F.R.Cr.P. Rule 11(c)(1)(C) the parties agree that a sentence at the top of Level 31 is the appropriate disposition of this case with the period of supervised release and the amount of the fine and the amount of the restitution to be determined at the court's discretion.
- B. The defendant understands that the Court is not bound by this sentencing agreement, and that **the defendant has a right to withdraw his guilty plea** if the Court does not follow the sentencing agreement set forth in this plea agreement.

SECTION 5. Waiver of Certain Appellate Rights


- A. If the Court sentences the defendant pursuant to the agreement in Section 5, then the defendant waives the right: 1) to appeal whatever sentence is imposed on any ground, including any appeal right conferred by 18 U.S.C. §3742; and, 2) to challenge the conviction or the sentence or the manner in which it was determined in any collateral attack, including but not limited to a motion brought under Title 28, United States Code, Section 2255.

SECTION 6. Conclusion

- A. If the defendant's plea and plea agreement is not accepted by the Court or is later set aside or if the defendant breaches any part of this agreement, then the United States Attorney's Office will have the right to void this agreement.

B. The above paragraphs constitute the entire understanding between the defendant and the United States of America in this matter. There are no other agreements, understandings or promises between the parties other than those contained in this agreement.

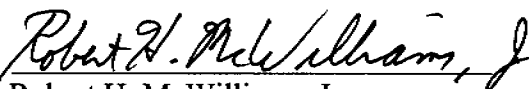
C. The defendant's signature on this plea agreement certifies that the defendant has read and fully understands the provisions contained herein.

 Date Signed 11/14/05
Defendant

 Date Signed 11/4/05
Attorney For Defendant

UNITED STATES OF AMERICA

Thomas E. Johnston,
United States Attorney

By: 
Robert H. McWilliams, Jr.
Assistant United States Attorney

Date: 11/7/05